

## **REMARKS**

### **I. Status of Application**

By the present amendment, Applicant adds claim 35 to more fully cover various implementations of the invention.

Claims 1-35 are all the claims pending in the Application. Claims 6-9 and 14-34 have been withdrawn. Claims 1-5 and 10-13 have been rejected.

The present Amendment addresses each point of objection and rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

### **II. Formalities**

Applicant thanks the Examiner for acknowledging Applicant's claim for foreign priority and for indicating that all of the certified copies of the priority documents have been received.

Applicant thanks the Examiner for considering all the references cited with the Information Disclosure Statement filed on October 18, 2004.

However, the Examiner has failed to indicate whether the formal drawings filed on October 18, 2004 have been accepted. Therefore, Applicant respectfully requests that the Examiner approve the aforementioned formal drawings.

### **III. Claim Rejections Under 35 U.S.C. § 103**

The Examiner has rejected claims 1-5, 10-11 and 13 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,535,326 to Uno (hereinafter "Uno") in view of U.S. Patent Publication No. 2002/0044333 to Shingehiro (hereinafter "Shingehiro"). Claim 12 also stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Uno, in view of Shingehiro, and further in view of U.S. Patent No. 6,774,879 to Miyamoto (hereinafter

“Miyamoto”). Applicant respectfully traverses all of the Examiner’s rejections for *at least* the reasons set forth below.

In order for the Examiner to maintain a rejection under 35 U.S.C. §103, the cited references must teach or suggest all of the recitations of claims 1-5 and 10-13. However, neither Uno, Shingehiro, Miyamoto, nor any combination thereof, teaches or suggests all of the recitations of claims 1-5 and 10-13.

The Examiner alleges that Uno teaches the feature of “a plurality of colored particles that migrate between the first display electrode and the second display electrode” (emphasis added). However, claim 1 does not recite the term “migrate,” as alleged by the Examiner. Contrary to the Examiner’s mischaracterization of the claimed invention, claim 1 plainly recites the feature of an image display device in which particles are sealed between two substrates, in which the particles are made to fly and move so as to display an image.

In stark contrast to claim 1, Uno’s teachings are directed to an electrophoretic display device consisting of a dispersion system having colored electrophoretic particles dispersed in an insulating liquid, in which the particles migrate between the first display electrode and the second display electrode. (*See e.g.*, col. 2, lines 22-41). Since Uno’s electrophoretic particles are dispersed in an insulating liquid, Uno’s electrophoretic particles cannot possibly fly as recited in claim 1. Further, both Shingehiro and Miyamoto fail to remedy the deficient teachings of Uno. Therefore, Applicant submits that claim 1 is patentable over the cited references for *at least* these reasons.

Moreover, Applicant submits that it would not have been obvious for one of ordinary skill in the art to further modify the teachings of Uno so that the electrophoretic particles therein

“fly and move,” as claimed. Quite to the contrary, if one were to modify Uno’s electrophoretic display device such that the electrophoretic particles were to “fly and move,” as claimed, then such a drastic modification would fundamentally change the principle of operation of Uno’s display device from an electrophoretic display device to a dry-type display device. And, MPEP §2143.01 makes it clear that, if the modification or combination of the prior art that is proposed by the Examiner would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. Indeed, such a modification to Uno’s display device would render Uno’s purported invention unsatisfactory for its intended purpose and, therefore, claim 1 is patentable over Uno, Shingehiro, and any combination thereof for *at least* these additional reasons.

Applicant also submits that the dependent claims 2-5 and 10-13 are patentable over the cited references *at least* by virtue of their dependency on claim 1.

#### **IV. New Claim**

Applicant hereby adds new claim 35 to more fully protect the present invention. Claim 35 is fully supported by the original specification and no new matter has been added. Claim 35 is clearly distinguishable from Uno, which is directed to an electrophoresis method.

Applicant submits that claim 35 is patentable over the cited references *at least* by virtue of its dependency and by virtue of the recitations set forth therein.

#### **V. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.111  
Application No.: 10/511,626

Attorney Docket No.: Q84237

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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